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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/801,616

03/16/2004

Teodoro Concetti

22868

2944

535 7590 01/16/2007  
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EXAMINER

PARADISO, JOHN ROGER

ART UNIT

PAPER NUMBER

3721

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/801,616

Applicant(s)

CONCETTI, TEODORO

Examiner

John R. Paradiso

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 58-60,63-71 and 73-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 58-60,63-71 and 73-78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 4/12/2006 have been fully considered but are considered moot in view of the new grounds of rejection.

### *Claim Rejections - 35 USC § 103*

2. Claims 58-60, 63-71, and 73-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over RAUSING ET AL (US 3531908) in view of SALEMKA ET AL (4976091).

RAUSING ET AL discloses a method and apparatus for filling bags (1) by lowering a filling apparatus (3) to the base of the bag, dispensing bulk liquid (5) into the bag, and simultaneously raising the filling apparatus as the fill level of the bag rises. When the filling apparatus has reached a set point at the mouth of the bag, the fill operation ceases and the bag is closed (8).

RAUSING ET AL does not disclose filling the bag at a first rate and then a second slower rate.

SALEMKA ET AL discloses a method and apparatus for filling containers with a liquid in which the liquid is filled at a first rate and then a slower rate (see SALEMKA ET AL, Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of RAUSING ET AL by filling the bag at a first rate and then a second slower rate, as taught by SALEMKA ET AL, in order to produce a more precise filling.

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Regarding claims 60 and 71, it would have been obvious to one of ordinary skill in the art at the time the invention was made to raise or lower the filling apparatus at whatever speed is best for the dispensing process, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Regarding claims 61 and 72, Applicant is given Official Notice that the use of weight sensors to monitor the weight of dispensed product is well known in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a weight sensor to monitor dispensed product in order to increase accuracy of the filling process.

Regarding claims 66 and 77, the uptake of the initial nitrogen purge is being read on the claimed aspirating of dust.

### ***Conclusion***

3. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

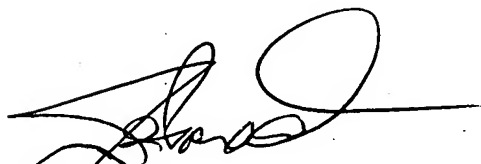
- RAGAZZINI discloses a method and apparatus with weight sensors that produce feedback if the container is filled with the wrong weight of product.
- RING discloses a method and apparatus with a weight sensor that provides feedback if the product is underweight, the feedback working to increase the product provided in subsequent evolutions.
- MUELLER ET AL discloses a method and apparatus with a feedback circuit connected to weight sensors.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Paradiso. The examiner can normally be reached Monday-Friday, 9:30 p.m. – 6:00 p.m. (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at the number listed below.

Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Technology Center Receptionist.



Examiner John Paradiso: (571) 272-4466

January 8, 2007

Additional Phone Numbers:

Supervisor Rinaldi Rada: (571) 308-7135

Fax (Official): (571) 273-8300

Fax (Direct to Examiner) (571) 273-4466 (Drafts only)